

BILL ANALYSIS

C.S.H.B. 1266
By: Goolsby
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Spinal manipulation or adjustment performed by person who does not have adequate training may pose a health risk to an injured patient. This bill requires a health care provider to receive additional hours of classroom training and supervised clinical instruction in spinal manipulation or adjustment in order to perform these techniques on a patient.

RULEMAKING AUTHORITY

It is our opinion that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill amends the Occupations Code to prohibit a person from performing spinal manipulation or adjustment unless the person has the legal authority to make a differential diagnosis and has also received 300 hours of classroom instruction and 600 hours of supervised clinical training, in addition to meeting the other requirements for a license to practice chiropractic. A person in violation of this provision is subject to disciplinary action by the Texas Board of Chiropractic Examiners. Additionally, the bill prohibits a licensed health care provider, other than a licensed chiropractor, from performing spinal manipulation or adjustment unless the person has received the above instruction and training and the performance of spinal manipulation or adjustment is within the scope of practice under the person's license. A licensed healthcare provider who violates this provision engages in the unlawful practice of the profession for which the person is licensed and is subject to disciplinary action as provided by the law governing the person's license. The bill provides that a person not licensed as a healthcare professional commits a Class C misdemeanor if the person practices spinal manipulation or adjustment without the required instruction and training.

EFFECTIVE DATE

Upon passage, or if the Act does not receive the necessary vote, the Act takes effect on September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 1266 reduces the requirement of classroom instruction from 400 to 300 hours and supervised clinical training from 800 to 600 hours. The substitute also amends the penalty to a class C misdemeanor.